REMARKS

Claims 85-100 are pending in the application; claims 85, 90, 95 and 100 are the independent claims. Applicants have amended claim 100 to correct an inadvertent drafting error of minor typographic character.

Objection To Drawings Deferred

The Examiner requires submission of a proposed drawing correction in reply to the pending Office action, but will allow formal correction of the noted defect to be deferred until the application is allowed by the Examiner. Since the drawing objections noted by the Draftperson[1] only require correction of minor formalities (e.g., better line and character quality), Applicants respectfully request that this requirement be held in abeyance in view of the intended filing of formal corrected drawings upon indication of allowable subject matter.

The Claims Patentably Define the Invention Over Kohda et al

The Examiner rejected claims 85-100 under 35 U.S.C. § 103(a) as being unpatentable over Kohda (May 1996 article entitled "Ubiquitous advertising on the WWW: Merging advertisement on the browser") in view of Cespedes (Summer 1993 article entitled "Database Marketing: New Rules for Policy and Practice") and, alternatively, in view of Harvey (March/April 1997 article entitled "The Expanded ARF Model: Bridge to the Accountable Advertising Future"), in each case with claims 89, 94 and 99 further rejected in view of Dictionary (Microsoft Press Computer Dictionary Third Edition, 1997, pg. 387). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 85 recites, *inter alia*, "receiving from an advertiser Web site feedback representing user transactions at the advertiser Web site, the user transactions resulting from user response to at least one of a plurality of direct advertisements." Independent claims 90, 95 and

[1] *See* Notice of Draftperson's Patent Drawing Review attached to the November 14, 2000 Office action.

100 recite similar limitations. None of the references cited by the Examiner, taken alone or in combination, teach or suggest such a limitation.

In citing Kohda for purportedly teaching this limitation, the Examiner appears to reason that, since the Kohda advertising agent's Web server can track user activity (e.g., click-throughs) at an advertiser's Web server, the advertising agent's Web server necessarily receives feedback from the advertiser's Web server representing this user activity. Applicants respectfully traverse this characterization of Kohda, because the advertising agent's Web server does not receive feedback from the advertiser's Web server; the advertising agent's Web server receives user activity information from the user's modified Web browser, which captures this information when the user clicks on an anchor (i.e., link) in a Web page.[2]

And to the extent that user activity information appears to be shared between Kohda's advertising agent and an advertiser, it is the advertising agent that provides such information to the advertiser (and not the other way around), in order to "show the effectiveness of their services." Kohda, § 2.3

Accordingly, Applicants respectfully submit that the Examiner does not establish a *prima facie* case of obviousness because the prior art, however modified or combined, fails to teach or suggest all of the claim limitations. Furthermore, as the each of the rejected dependent claims depend from and further limit their respective independent claims, Applicants respectfully submit that for at least the same reasons as above all of the pending dependent claims are patentable under 35 U.S.C. § 103.

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[2] In Kohda, the user's Web browser is augmented with a filter that is invoked when an anchor is clicked in the browser's window. At invocation, environment information (e.g., identity of the user and information about the selected anchor) is passed to the filter program as invocation parameters. The filter program then forwards the invocation parameters to the advertising agent's Web server, and waits for the agent to return an ad or other information. Kohda, §§ 2.2, 3.1-3.2.

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Attached hereto is a marked-up version of the change made to claim 100 by this Response to Office action. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

The Office is authorized to charge the one-month extension of time fee of $110.00 to Deposit Account No. 11-0600. Although not believed necessary, the Office is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

KENYON & KENYON

Dated: June 20, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 100 has been amended as follows:

100. **(Once Amended)** A [method] computer system for advertisement selection, comprising:

(a) means for receiving from an advertiser Web site feedback representing user transactions at the advertiser Web site, the user transactions resulting from user response to at least one of a plurality of direct advertisements;

(b) means for receiving a request to display a direct advertisement to a user; and

(c) means for selecting, in response to the request and the advertiser feedback, one of the plurality of direct advertisements for display based on a predictive model.